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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000026

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SUBJECT: PACE RAPPORTEURS FORESHADOW COMPROMISE TO POSTPONE  
ARMENIAN SUSPENSION

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Classified By: DCM Joseph Pennington, reasons 1.4 (b,d)

¶1. (C) SUMMARY: PACE rapporteurs John Prescott and Georges Colombier debriefed the CoE member state ambassadors (and a few other invited diplomatic representatives) January 15 on the results of their meetings in Yerevan. They revealed that they had reached agreement with the GOAM on a proposal to postpone a PACE vote to suspend Armenia's voting rights, in exchange for a written set of Armenian commitments to implement a specified set of reforms on an agreed timetable. The rapporteurs did not reveal the substance of the agreed reforms or the timeframe. Prescott hinted that a focus would be the vague language and evidentiary standards of Armenia's criminal code articles at issue in the post-election trials, such as "usurpation of power," "committing mass disorders," and murder charges. The rapporteurs have an accurately jaundiced understanding of the role of political bias in the criminal justice system. END SUMMARY

¶2. (C) Polchief attended a debriefing by PACE rapporteurs John Prescott and Georges Colombier in Yerevan late January 15 at the end of their day-long Armenia visit. Prescott presented their findings, commenting that PACE wants to take the right approach to preserve maximum influence on improving Armenia's democracy and human rights situation. Without revealing anything about the substance, Prescott revealed that he and Colombier had that day reached an agreement in principle with President Serzh Sargsian and Parliament Speaker Hovik Abrahamian. The Armenian side had promised to undertake a series of specific reforms on an agreed timetable. In exchange, Prescott and Colombier would recommend to the PACE Monitoring Committee and to the full Assembly that Armenia again be given more time to work. Prescott and Colombier said they would need to see the full proposal in writing from the GOAM before they would commit themselves.

¶3. (C) Several European ambassadors (Germany, UK, Poland, and OSCE Office CDA) and polchief spoke up to caution Prescott and Colombier that Armenian democratic/human rights reform has gone through distinct stages of fits and starts over the past year. At times, the GOAM has been galvanized by international pressure to make positive steps, while at other points the GOAM has taken the mistaken impression that it had dropped from the international agenda and no longer needed to work on its reform agenda. During such times (notably throughout the fall of 2008) progress had slowed to a virtual stop. The ambassadors generally agreed that Prescott and Colombier's strategy to offer Armenia postponement of a suspension decision, in exchange for specific reform commitments, could be a good one, so long as it is presented with clear messaging that the additional postponement does not mean that Armenia is now off the hook.

¶4. (C) Prescott shared some more general comments about the democracy/human rights scene in Armenia. Notably, he shared

his disquiet that Armenian criminal justice seemed thoroughly politicized, and that the government and law enforcement started from a clear pre-supposition of opposition guilt -- and then worked to ensure that the "facts" supported this initial presumption. He questioned the objectivity and integrity of the Prosecutor General, in particular, on this score. He expressed concerns about the government's mechanisms for pardons, noting that this procedure requires defendants to confess guilt and make individual appeals for clemency, which many would not be willing to do. Prescott said he had challenged the PG and other officials regarding their apparent lack of evidentiary basis to impute to opposition activists an intention to overthrow the government or to commit murder in the context of committing "mass disorder," as they are now charged. He also said he pressed the PG on the lack of any criminal investigations or official inquiry into police conduct in connection with the ten deaths. He also noted, however, that the opposition does not always act in good faith, for example in its campaign of disruptions of court trial proceedings.

15. (C) Prescott noted that he and Colombier have gotten a lot of pushback from GOAM officials that Armenia is being judged more harshly by PACE than have other member countries. He conceded that this argument was not entirely without merit -- something which has been whispered often around the Yerevan diplomatic corps -- but said that he has stuck to the argument that he and Colombier have been tasked only with evaluating Armenia and are seeking to do that job as honestly and fairly as possible. They cannot be responsible for how PACE judges Azerbaijan, Georgia, Russia, or any other CoE member countries that Armenians may invoke as evidence of an alleged PACE double standard.

16. (C) COMMENT: Prescott (and presumably Colombier, who  
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said little) seems to have a generally sound grasp of the issues and dynamics in play in the local political and human rights situation. We think the proposed approach is a good one, so long as there is a clear message from PACE that this latitude is not open-ended and that clear progress must be shown. Prescott did not seem to appreciate, however, the degree to which PACE's previous time extension had been misread by Armenian authorities as implying that serious PACE interest in the matter had ended. Combined with other mixed messages from the international community, this meant that the closing months of 2008 were essentially lost in terms of forward progress on democracy and human rights reform. That said, PACE has overall been the single most constructive international forum for holding Armenia's feet to the fire in 2008 on its democracy and human rights commitments.  
YOVANOVITCH